

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|-----------------------------------|---|-------------------|------------|
| In re Application of: | § | Confirmation No.: | 6900 |
| David GREENE | § | | |
| Dennis MIERZWA | § | | |
| Ayman ABUKHATER | § | | |
| Michael SIEVERT | § | | |
| Serial No.: 09/802,701 | § | Atty. Dkt. No: | 1991-00100 |
| Filed: March 9, 2001 | § | | |
| For: Online Trading System Having | § | | |
| Real-Time Account Opening | § | | |

REPLY BRIEF

November 19, 2007

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir or Madam:

Appellants hereby submit this Reply Brief in response to the Examiner's Answer dated September 21, 2007, in connection with the above-identified application.

Wallace Fails to Teach or Suggest "Automatically Initiating an Online Transfer of Investment Funds to an Online Brokerage Account"

Independent claims 1 and 8 require "automatically initiating an online transfer of investment funds to said online brokerage account." However, Wallace does not teach the quoted limitation for two reasons. First, referring to page 10 of the Examiner's Answer, Examiner states "Wallace teaches a method for opening an on-line brokerage account in which a user completes an electronic account application that is generated by the system (i.e. automatically) in which the account application has the information needed to *initiate* an online transfer of funds (column 9, lines 25-36)." However, at the cited location, Wallace states:

The data input by the user is sent to the central server 101 via the Internet. Once the user has completed the electronic account application, the user submits the electronic account application to the central server 101. In an exemplary embodiment, the user can print the new customer electronic account application form from the central server 101. **The user then signs the account application form, and mails it to the brokerage firm with the appropriate funding.** In an alternate embodiment, the central server 101 can generate an application form based on the information provided by the user and send it to the user, as discussed more fully below with reference to optional steps 515 and 517.

Generating an application form to be mailed in to the brokerage form with appropriate funding does not teach or suggest automatically initiating an online transfer of investment funds to an online brokerage account as required by claims 1 and 8. Examiner goes on to state:

Continuing, Wallace also teaches that the system processes application information and adds other information, such as money market funding information and an application agreement and generates a new application form including all the information (column 11, lines 1–6). Therefore, Wallace teaches *automatically initiating an online transfer of funds* because the system is controlling the process for the application with information that is used **to initiate a transfer of funds**.

Here, Examiner has failed to account for the “online” component of the claim, and Examiner erroneously argues that generating an application teaches automatically initiating an online transfer of investment funds.

Second, referring to page 11 of the Examiner’s Answer, Examiner states: “Specifically Wallace teaches that the user must sign and return the application with the appropriate funding which include funding through wire-transfers (column 11, lines 3–16 and column 7, lines 1–19; Examiner notes this also teaches online transfers of funds).” At the cited locations, Wallace states:

For example, the account may be funded by transferring assets from another account, with a check or money order, or with security certificates. The account features further include an electronic funds transfer field 336, which stores information regarding the type of electronic funds transfer, such as from a personal checking account, the name of the financial institution electronically transferring the funds, such as Any Bank, the account number and name on an

account from which the funds are being transferred, an amount of money to be transferred from the account, the frequency and schedule with which the amount of money is to be electronically transferred. . . . It will be appreciated that there are numerous ways in which a user may fund the account, such as by sending a personal check, wiring money from another account, or transferring assets from another account.

However, wire transfers and EFT technology do not teach automatically initiating an online transfer of investment funds. Wire transfer and EFT technology preceded internet technology by many years, and the teaching of the former may not be assumed to be the teaching of the latter. Furthermore, although Wallace references some internet technology, e.g. email, none of the internet technology referenced teaches automatically initiating an online transfer of funds. Hence, Examiner erroneously argues that Wallace teaches automatically initiating an online transfer of investment funds.

For the reasons stated in Appellants' Appeal Brief and this Reply Brief, Appellants respectfully request that Examiner's rejections be reversed and that the claims be permitted to issue. If any fees or time extensions are inadvertently omitted or if any fees have been overpaid, please appropriately charge or credit those fees to Conley Rose, P.C. Deposit Account Number 03-2769/1991-00100 and enter any time extension(s) necessary to prevent this case from being abandoned.

Respectfully submitted,

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